

### REMARKS

Claims 1-35 are pending, with claims 1, 20, 21, 30, 31, 32, and 35 being independent. Claims 26-35 are added by this amendment. No new matter is being added.

The specification is objected to for incorrectly indicating the status of related applications. More particularly, the Application Number of a related application was incorrectly identified in the specification. The Application Number of the related application, which is still pending, has been amended to correctly refer to the related application. Therefore, applicants respectfully request reconsideration and withdrawal of the objection to the specification.

Claims 1-5, 8, 10-15, 20, 21, 23, and 24 stand rejected under 35 U.S.C 102(e) as being anticipated by DeSimone et al. (U.S. Patent No. 6,212,548). Applicants have amended independent claims 1, 20, and 21 to obviate this rejection.

Applicants request reconsideration and withdrawal of the rejection because DeSimone fails to describe or suggest all of the features and limitations of independent claim 1. Specifically, DeSimone fails to describe or suggest receiving, at an instant messaging host according to a protocol for transferring video instant messages, a video instant message directed to at least one recipient after recording of the video instant message has been completed by a sender. Furthermore, DeSimone fails to describe or suggest sending, according to the protocol for transferring video instant messages, the video instant message from the instant messaging host to the at least one recipient for playback.

DeSimone describes enabling a user to participate in "multiple simultaneous real-time chat sessions with a plurality of other participants using a single client residing on a personal computer, workstation, or terminal" (DeSimone, col. 1, lines 31-33). While participating in one of the multiple chat sessions, the user may exchange a single type of messages (e.g., textual messages, audio messages, or video messages) with other users that also are participating in the chat session. The multiple chat sessions may be operated in a client-server architecture (FIG. 2A), or in a peer-to-peer architecture (FIG. 2B). The user may participate in the multiple chat sessions through manipulation of one or more windows corresponding to the multiple chat sessions.

Therefore, DeSimone does not describe or suggest the features of receiving, at an instant messaging host according to a protocol for transferring video instant messages, a video instant message directed to the at least one recipient after recording of the video instant message has been completed by the sender, as recited in amended claim 1. Moreover, DeSimone fails to describe or suggest sending, according to the protocol for transferring video instant messages, the video instant message from the instant messaging host to the at least one recipient for playback, as recited in amended claim 1. In other words, DeSimone fails to describe or suggest the feature of exchanging video instant messages during an instant messaging session in which instant messages of another type are exchanged. More generally, DeSimone fails to describe or suggest the feature of using multiple instant messaging protocols to exchange multiple types of instant messages during a single instant messaging session.

Enabling the sender to send video instant messages in addition to other instant messages during a single instant messaging session is advantageous because the video instant messages may be more expressive than the other instant messages, which may be text based. More particularly, the video instant messages may convey information that is not easily conveyed with the text-based instant messages. For example, the video instant messages may enable the recipient to see a facial expression of the sender in the video instant messages. Text-based instant messages may not enable the user to fully perceive the facial expression of the sender.

Enabling the sender to send and receive video instant messages through an instant messaging host enables the sender to specify the video instant messages only when desired. In other words, the sender sends a full video instant message only after recording of the full video instant message has been completed. Furthermore, the sender indicates when recording of the full video instant message begins. Therefore, the sender controls when the video instant message is recorded, which enables the sender to prepare for the recording of the video instant message. In addition, the sender may engage in other activities while not recording the video instant messages, which may increase the productivity of the user.

For at least these reasons, Applicants respectfully request withdrawal of the 35 U.S.C 102(e) rejection of independent claim 1 and its respective dependent claims.

Similarly, amended independent claims 20 and 21 recite an arrangement in which video instant messages to a recipient are received at an instant messaging host according to a protocol for transferring video instant messages after recording of the video message has been completed by a sender. Accordingly, Applicants request reconsideration and withdrawal of the 35 U.S.C 102(e) rejection of amended claims 20 and 21, as well as their respective dependent claims, for at least the reasons discussed above with respect to amended claim 1.

Claims 6, 7, and 9 stand rejected under 35 U.S.C 103(a) as being unpatentable over DeSimone in view of Doty, Jr. (U.S. Patent No. 6,795,863). Applicants respectfully traverse this rejection.

Claims 6 and 7 depend from claim 1 by way of claim 5, both of which Applicants believe to be in allowable form. Similarly, claim 9 depends from claim 1 by way of claims 5 and 8, all of which Applicants believe to be in allowable form. Moreover, Doty, Jr. does not remedy the failure of DeSimone to describe or suggest the features of amended claim 1, as discussed above.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C 103(a) rejection of claims 6, 7, and 9.

Claims 16-19 stand rejected under 35 U.S.C 103(a) as being unpatentable over DeSimone in view of Wan et al. (U.S. Patent No. 6,529,475). Applicants respectfully traverse this rejection.

Claim 16 depends from claim 1, which Applicants believe to be in allowable form. Furthermore, claim 17-19 depend from claim 1 by way of claim 16. Moreover, Wan does not remedy the failure of DeSimone to describe or suggest the features of amended claim 1, as discussed above.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C 103(a) rejection of claims 16-19.

Claims 22 and 25 stand rejected under 35 U.S.C 103(a) as being unpatentable over DeSimone in view of Lamb et al. (U.S. Patent No. 6,747,970). Applicants respectfully traverse this rejection.

Claims 22 and 25 depend from claim 21, which Applicants believe to be in allowable form. Moreover, Lamb does not remedy the failure of DeSimone to describe or suggest the features of amended claim 21, as discussed above.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C 103(a) rejection of claims 22 and 25.

New dependent claims 26-29 depend from amended independent claim 1 and thus, are believed to be allowable for at least the reasons discussed above with respect to independent claim 1.

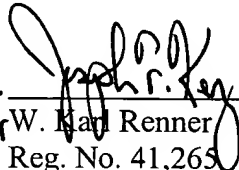
New independent claims 30-32 and 35 recite an arrangement in which video instant messages to a recipient are received at an instant messaging host according to a protocol for transferring video instant messages after recording of the video message has been completed by a sender. Accordingly, Applicants submit that independent claims 30-32 and 35 and their respective dependent claims are allowable over the cited prior art for at least the reasons discussed above with respect to independent claim 1.

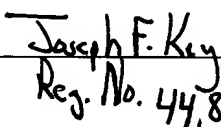
Applicants submit that all claims are in condition for allowance.

Enclosed is a \$1300 check for excess claim fees and a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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